

PRESENT STATE OF THE MARRIAGE LAW—SELECTIONS.

say on this matter in the present number by quoting a portion of his charge, which puts in strong relief the evil complained of, reserving for another occasion our further consideration of this important subject :—

"It has been long contended by the Christian Church, and acceded to by the custom of most civilized countries, that the solemnization of marriage is a religious ordinance, or at all events a ceremony so far connected with the well-being of society that the sanction of a Christian minister should be had to sanctify and bless it. Such is the view of that institution which is enforced by our marriage law—and yet, notwithstanding, we find so-called Christian ministers so far forgetting themselves and their duty to society as to occasionally stand by to bless and unite in marriage *children* who have eloped from their parents. Not many days ago, a boy of 16 and a girl of 14 years eloped from their parents in Aylmer and went to Springfield and presented themselves to some sort of a minister there, and were married by him. Now this man, whom we are obliged by courtesy to call a Christian minister, in consummating this deed, knew he was committing an improper, immoral and unneighborly act, and one which would not be sanctioned by any well ordered Church or community. Again, a young man elopes with a young girl whom he has conveyed down a ladder from the window of a mother's house, and a minister's willing services are invoked, not because he is their pastor, but because he is a willing tool; he knows, and they all know that the pastor who, under other circumstances, should assuredly have been called upon to perform such a ceremony, would have refused to so outrage the feelings of a widowed mother, as to have solemnized a marriage between a mere child and a confirmed sot and common drunkard; and the minister who did it knew all the facts, but when remonstrated with said, Oh! what did I care? I made \$2 by it!"

There is no doubt but that there is only too much ground for these timely and well-merit-

ed strictures on a practice which cannot be too strongly condemned, and that a renewed consideration of the whole subject is urgently called for at the hands of those whose duty it is to cure the diseases of the body politic.

SELECTION.

AGENCY IN MANSLAUGHTER.

The case of *Regina v. Salmon*, in the Court for the Consideration of Crown Cases Reserved, which received a good deal of public attention at the time the decision was given, will now be better understood from the report of the case which appears in the February number of the *Law Journal Reports*. Unfortunately, the prisoners were not represented by counsel; and therefore the decision, not being strengthened by dealing with arguments advanced against it, is not so satisfactory as it might have been. Considering that this Court is the final Court of Appeal in criminal matters, some relaxation of the rule that accused persons cannot be assisted out of public funds ought to be allowed. The employment of counsel to argue for the defendants would not so much have been for their benefit as for the benefit of the public. The point involved was one which, above all others, requires to be placed in various lights. It was, in the first place, a charge of homicide by culpable negligence, raising in itself probably the most difficult issue known to the criminal law. Secondly, it raised the question of agency or responsibility for the criminal act of another—a head of law which ought most carefully to be kept within due bounds. The result of the decision may be said to be that when several persons are engaged in an unlawful act—unlawful not in the sense of criminal but in the more comprehensive sense—and one of them is guilty of homicide, all may be convicted of manslaughter.

The facts to which the law had to be applied may be very shortly stated. George Salmon, one of the defendants, is a volunteer, and one summer evening, after practice, he took his rifle away with him, contrary to rules, and provided himself with several cartridges. He was joined by his brother John Salmon, and Hancock, the other two prisoners, and